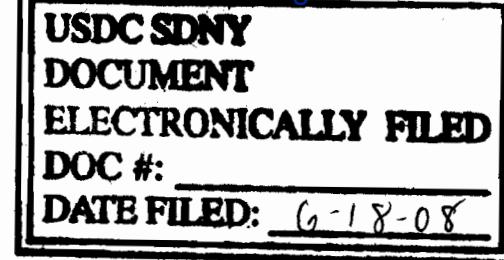


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
DAVID EIDMAN,

Plaintiff, : ORDER
-against- : 08 Civ. 3392 (LBS)

ERNEST STANLEY O'NEAL, et al., :
-----X

Defendants. :
-----X

In re: MERRILL LYNCH & CO., INC. :
Securities, Derivative & ERISA Litigation :
-----X

SAND, J.

The Court will defer consideration of the motion to dismiss until such time as it hears and decides defendants' motion to dismiss in the parallel consolidated case.

SO ORDERED.

Dated: New York, New York
June 18, 2008


A handwritten signature in black ink, appearing to read "John Sand". It is written over a horizontal line.

U.S.D.J.